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Attorney for Plaintiff

FILED

2017 AUG 13 AM 11:22

VIRLYNN TINNELL  
SUPERIOR COURT CLERK

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF MOHAVE

STATE OF ARIZONA,

Plaintiff,

vs.

JUSTIN JAMES RECTOR

Defendant.

No. CR-2014-1193

MOTION TO COMPEL  
DISCLOSURE

COMES NOW, the State of Arizona, by the Mohave County Attorney and through the undersigned Deputy County Attorney, Gregory A. McPhillips, respectfully requests that the Court compel the defense to disclose all evidence and witnesses pursuant to Rules of Criminal Procedure Rule, Rule 15.2. As of the date of this filing, the defense has not disclosed anything other than "general denial."

On the 25th day of April 2017, undersigned counsel sent a letter to defense counsel Mr. Gavin—requesting disclosure.<sup>1</sup>

On the 18th of July 2017, undersigned counsel filed "State's case Status Report for July 21, 2017" and noted to the court that the defense has not disclosed.

On the 5th day of September 2017, undersigned counsel sent a letter to defense counsel Mr. Jolly—requesting disclosure.<sup>2</sup>

<sup>1</sup> Attached



1 On the 5<sup>th</sup> of June 2018, undersigned counsel sent an e-mail to defense  
2 counsel Ms. Cassels—requesting disclosure. On the 30<sup>th</sup> of July 2018,  
3 undersigned counsel sent a follow up e-mail to defense counsel Mr. Cassels—  
4 requesting disclosure.

5 To this day, the defense has not disclosed. No names and addresses of  
6 witnesses whom the defendant intends to call at trial have been disclosed. No  
7 expert witnesses have been disclosed. No evidence has been disclosed.

8 At this time, the State expects that defense has no witnesses or evidence  
9 to present at trial. The State expects that defense has no expert witnesses to  
10 present at trial.

11 The defense has not disclosed as of today's date. The court must compel  
12 disclosure or preclude the use of any evidence or witnesses.

13 RESPECTFULLY SUBMITTED THIS 13TH DAY OF AUGUST, 2018.

14 MOHAVE COUNTY ATTORNEY  
15 MATTHEW J. SMITH

16 By 

17 DEPUTY COUNTY ATTORNEY  
18 GREGORY A. MCPHILLIPS  
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ATTACHMENTS

## Greg McPhillips

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**From:** Greg McPhillips  
**Sent:** Monday, July 30, 2018 11:47 AM  
**To:** 'Julia Cassels'  
**Subject:** RE: Justin Rector (disclosure request)

Julia,

As you know, I have no defense disclosure.

Please disclose all evidence and defenses you intend to use. Pursuant to Rule 15.2(b), please disclose each of the witnesses will testify. Pursuant to Rule 15.2(c)(1), please disclose written and recorded statements of the witnesses. Pursuant to Rule 15.2(c)(3), please disclose documents and photos.

Do you plan on calling any experts? If so, please disclose the names and addresses of experts whom the defendant intends to call at trial, together with the results of the defendant's physical examinations and of scientific tests, experiments or comparisons that have been completed.

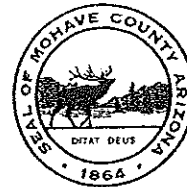
Thanks!  
Greg

**From:** Greg McPhillips  
**Sent:** Tuesday, June 05, 2018 3:15 PM  
**To:** 'Julia Cassels' <julia@juliacasselslaw.com>  
**Subject:** Justin Rector (disclosure request)

Please disclose all evidence and defenses you intend to use. Pursuant to Rule 15.2(b), please disclose each of the witnesses will testify. Pursuant to Rule 15.2(c)(1), please disclose written and recorded statements of the witnesses. Pursuant to Rule 15.2(c)(3), please disclose documents and photos.

Do you plan on calling any experts? If so, please disclose the names and addresses of experts whom the defendant intends to call at trial, together with the results of the defendant's physical examinations and of scientific tests, experiments or comparisons that have been completed.

Thanks!



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September 5, 2017

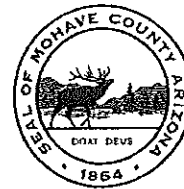
Quinn T. Jolly  
Quinn Jolly Law  
2642 East Thomas Road  
Phoenix, AZ 85016

*RE: State v. Justin James Rector  
Superior Court Division 4 CR-2014-1193  
Case status and requests for disclosure*

Dear Quinn T. Jolly:

I hope all is well with you. Again, thank you for the most recent disclosure. That said, I have several requests for the defense. We are coming up on the September Status Hearing. At that time, Judge may expect us to announce a realistic trial date. At the very least we need to inform the court as to the most immediate tasks that need to be completed prior to trial. Below is my most immediate "to do" list.

1. **Interviews:** Please send me every date you are available to complete interviews between today's date through the end of this year. We will knock out more interviews.
2. **Sanity pre-screen:** On the 21<sup>st</sup> day of November, 2014, I requested the Court appoint an expert to make a prescreening determination of the defendant's sanity at the time of the commission of the offense, unless the defendant objects, pursuant to A.R.S. § 13-754. Defendant has made clear, on the record that he does not object to the screening. I have addressed the need for this screening at several hearings. I need defendant's mental health records so the State's expert can examine defendant.
  - a. We need to conduct this screening.
  - b. Please disclose all mental health records that you have collected regarding defendant.
  - c. Please disclose any experts you have retained to examine his mental health and their reports.



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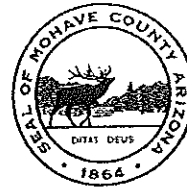
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3. **Request for disclosure of experts:** Do you plan on calling any experts? If so, please disclose the names and addresses of experts whom the defendant intends to call at trial, together with the results of the defendant's physical examinations and of scientific tests, experiments or comparisons that have been completed.
4. **Mitigation Discovery request:** On the 12<sup>th</sup> of September 2014, I requested mitigation evidence. Recently, you mentioned in court that there are thousands of pages of documentation and hundreds of witnesses. To this date, no mitigation evidence has been disclosed to the State. Please disclose all mitigation witnesses and evidence. Please disclose:
  - a. A list of all mitigating circumstances intended to be proved.
  - b. The names and addresses of all persons, other than the defendant, whom the defendant intends to call as witnesses during the aggravation and penalty hearings, together with all written or recorded statements of the witnesses.
  - c. The names and addresses of any experts whom the defendant intends to call during the aggravation and penalty hearings together with any reports prepared excluding the defendant's statements.
  - d. A list of any and all papers, documents, photographs or tangible objects that the defendant intends to use during the aggravation and penalty hearings.
  - e. The names and addresses of any rebuttal witnesses, together with their written or recorded statements, and the names and addresses of any experts who may be called at the penalty hearing, together with any reports prepared by the experts.

Sincerely,

Gregory A. McPhillips  
Deputy County Attorney



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April 25, 2017

Gerald T. Gavin  
The Law Office of Gerald T. Gavin  
3880 Stockton Hill Road Suite 103-450  
Kingman, AZ 86409

*RE: State v. Justin James Rector  
Superior Court Division 4 CR-2014-1193*

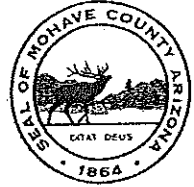
Dear Gerald T. Gavin:

I hope all is well with you. I am working on getting the DNA information that you have requested. Hopefully, I will get that to you by the next hearing.

I have several requests for the defense. Currently, I have no substantive disclosure from defense. Recently, the defense has asserted that there are hundreds of defense witnesses and hundreds of pages of defense disclosure. None of that has been disclosed to the State. I am a little worried that the defense may dump an immense amount of disclosure on me just before trial.

We are coming up on the June Status Hearing. At that time, Judge expects us to announce a realistic trial date. Now that Ms. Cassels has had an opportunity to get up to speed, there are several immediate tasks that need to be completed prior to trial.

1. **Interviews:** Please send me every date you are available to complete interviews between today's date through the end of July. We will knock out more interviews.
2. **Sanity pre-screen:** On the 21<sup>st</sup> day of November, 2014, I requested the Court appoint an expert to make a prescreening determination of the defendant's sanity at the time of the commission of the offense, unless the defendant objects, pursuant to A.R.S. § 13-754. Defendant has made clear, on the record that he does not object to the screening. I have addressed the need for this screening at several hearings. I need defendant's mental health records so the State's expert can examine defendant.
  - a. We need to conduct this screening.
  - b. Please disclose all mental health records that you have collected regarding defendant.



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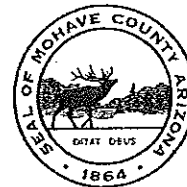
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- c. Please disclose any experts you have retained to examine his mental health and their reports.
3. **State Interview of Defendant:** On the 30<sup>th</sup> of September 2014, I requested to speak with defendant. I made a second request on the 16<sup>th</sup> of February 2015. I made a third request, to Mr. Gavin, on the 25<sup>th</sup> of March 2015. That request has never been answered.
4. **Request for disclosure:** On the 16<sup>th</sup> of February 2015, I requested disclosure. Recently you said in court that there are hundreds of witnesses. I re-requested disclosure from Mr. Gavin on the 25<sup>th</sup> of March 2015. To this date, and aside from the initial disclosure of general denial, the State has not received any disclosure in this case.
- Does defendant intend to present any defense other than general denial? For example does he intend to introduce evidence at trial of either alibi, insanity, self-defense, defense of others, entrapment, impotency, marriage, insufficiency of a prior conviction, mistaken identity, or good character?
  - Can you please tell me the names and addresses of all witnesses whom the defendant intends to call at trial? Also please disclose their relevant written or recorded statements.
  - Do you plan on calling any experts? If so, please disclose the names and addresses of experts whom the defendant intends to call at trial, together with the results of the defendant's physical examinations and of scientific tests, experiments or comparisons that have been completed.
  - Do you have any evidence? If so, please disclose a list of all papers, documents, photographs and other tangible objects that the defendant intends to use at trial.
1. **Mitigation Discovery request:** On the 12<sup>th</sup> of September 2014, I requested mitigation evidence. Recently, you mentioned in court that there are thousands of pages of documentation and hundreds of witnesses. To this date, no mitigation evidence has been disclosed to the State. Please disclose all mitigation witnesses and evidence. Please disclose:
- A list of all mitigating circumstances intended to be proved.
  - The names and addresses of all persons, other than the defendant, whom the defendant intends to call as witnesses during the aggravation and penalty hearings, together with all written or recorded statements of the witnesses.





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- c. The names and addresses of any experts whom the defendant intends to call during the aggravation and penalty hearings together with any reports prepared excluding the defendant's statements.
- d. A list of any and all papers, documents, photographs or tangible objects that the defendant intends to use during the aggravation and penalty hearings.
- e. The names and addresses of any rebuttal witnesses, together with their written or recorded statements, and the names and addresses of any experts who may be called at the penalty hearing, together with any reports prepared by the experts.

Sincerely,

Gregory A. McPhillips  
Deputy County Attorney

1 A copy of the foregoing  
2 sent this same day to:

3 HONORABLE LEE F. JANTZEN  
4 SUPERIOR COURT JUDGE

5 JULIA CASSELS  
6 ATTORNEY FOR DEFENDANT  
7 Law Office of Julia Cassels  
8 2642 East Thomas Road  
9 Phoenix, AZ 84015

10 By 